



REMARKS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:	Patent Application for Delzer	Dated:	October 31, 2006
Serial No.:	10/761,843	Art Unit:	1638
Filed:	01/21/2004	Examiner:	Mehta, Ashwin D
For:	Inbred Maize Line NP2391	Action:	Amendment After Allowance

Please amend the Specification on pg 22, line 10-24 as indicated below.

Remarks

The specification is to be amended to include the ATCC deposit information and the information indicating that the seed was found to be viable. Attached is the ATCC sheet providing the viability information.

Respectfully submitted,

Dana Rewoldt, Reg. No. 33,762
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2369 330th Street, Box 500
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(515) 685-5201

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing Amendment After Allowance for application 10/761,843, is being mailed to the Mail Stop: After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31st day of October 2006.

¹
Deanna Hernandez

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Syngenta Seeds, Inc.
Attn: David L. Young
317 330th Street
Stanton, MN 55018-4308

Deposited on Behalf of: Syngenta Seeds, Inc.

Identification Reference by Depositor:

Zea Mays L.: NP2365
Zea Mays L.: NP2391
Zea Mays L.: NP2424

Patent Deposit Designation

PTA-5709
PTA-5710
PTA-5711

The seeds were accompanied by: a scientific description a proposed taxonomic description indicated above. The seeds were received December 26, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested January 19, 2004. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: January 29, 2004

cc: Bruce Vrana